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IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

Serial Number: 10/081,955
Filed: February 20, 2002
Applicants: George E. Seidel, Lisa Herickhoff, John Schenk
Title: Multiple Sexed Embryo Production System for Mammals
Using Low Numbers of Spermatozoa
TC/A.U: 1634
Examiner: Carla J. Meyers

Assignee: XY, Inc. and Colorado State University through its agent
Colorado State University Research Foundation
Attorney Docket: XY-Super-Cont2

Customer No. 33549

AFFIDAVIT UNDER 37 C.F.R. §1.132

UNITED STATES OF AMERICA)
STATE OF COLORADO) ss.
COUNTY OF LARIMER)

I, George Seidel, a resident of LaPorte, in the County of Larimer, and the State of Colorado, duly sworn and under oath, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

1. I am an employee of the Assignee of the above-referenced patent application, Colorado State University, and my title with Colorado State University is Professor.

2. I am a co-author of the reference cited in the United States Patent and Trademark Office communication mailed June 13, 2005 entitled "Uterine Horn Insemination of Heifers With Very Low Numbers of Nonfrozen and Sexed Spermatozoa" authored by G.E. Seidel Jr., C.H. Allen, L.A. Johnson, M.D. Holland, Z. Brink, G.R. Welch, J.K. Graham and M.B. Cattell, published in Theriogenology 48:1255-1264 (1997) (the "Seidel" reference).

3. I also am a co-inventor with respect to the invention recited by claims 124-141 of the above-referenced patent application against which the Seidel reference is cited.

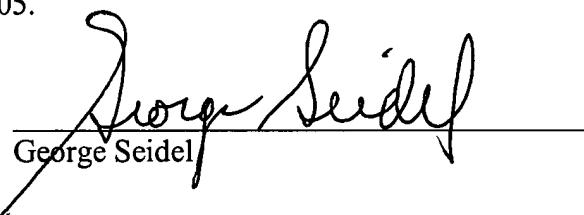
4. The Seidel reference is a published article describing my own work.

5. The contributions made by co-authors C.H. Allen, L.A. Johnson, M.D. Holland, Z. Brink, G.R. Welch, J.K. Graham and M.B. Cattell to the Seidel reference were not also inventive contributions because each of these co-authors conducted their efforts as collaborators under my direction as inventor.

6. Lisa Herickhoff and John Schenk are inventors of the claimed subject matter but were not co-authors of the Seidel reference.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 12th day of December, 2005.


George Seidel

UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND SWORN to before me in the County of Larimer, State of Colorado, United States of America, by George Seidel, this 12th day of December, 2005.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.


Barbara L. Hoback
Notary Public

My Commission Expires: 2.19.06

